UNITED NATIONS

General Assembly

FORTY-SEVENTH SESSION

Official Records

SIXTH COMMITTEE
36th meeting
held on
Tuesday, 17 November 1992
at 10 a.m.
New York

SUMMARY RECORD OF THE 36th MEETING

Chairman: Mr. ZARIF (Islamic Republic of Iran)

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AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued)

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92-57833 6450S (E)

Distr. GENERAL
A/C.6/47/SR.36
7 December 1992
ENGLISH
ORIGINAL: SPANISH

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The meeting was called to order at 10.15 a.m.

AGENDA ITEM 128: UNITED NATIONS DECADE OF INTERNATIONAL LAW (continued) (A/47/60-S/23329, A/47/67, A/47/356-S/24367, A/47/384 and Add.1; A/C.6/47/6; A/C.6/47/L.12)

1. Mr. FSADNI (Malta) said that his country had always sought to conduct its international relations in full respect for the norms of international law, because it firmly believed that the rule of law on the international level was essential for the maintenance of international peace and security. International law might well be the only protection enjoyed by small States. The enforcement of international law by a revitalized United Nations in the post-cold-war period provided the international community with a unique opportunity to fulfil the first aim of the United Nations Decade of International Law, namely, promotion of acceptance of and respect for the principles of international law. For that reason, his delegation strongly supported section I of the programme of activities proposed for the second term of the Decade, which once again highlighted the importance of existing multilateral treaties, particularly those relevant to the progressive development of international law and its codification. Maltese national legislation and the policies of the Maltese Government were already in line with a number of other multilateral treaties to which Malta was not yet a party, a situation attributable to a lack of resources rather than to a lack of political will. His delegation thus particularly welcomed the paragraph of the programme that encouraged States and international organizations "... to provide assistance and technical advice to States, in particular to developing countries, to facilitate their participation in the process of multilateral treaty-making, including their adherence to and implementation of multilateral treaties ...".

2. The second aim of the Decade, namely, the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice, touched on an area of international relations which, although it had witnessed some improvements in recent years, remained one of the weakest links in the rule of law on the international level. In that sphere, the influence of notions of absolute sovereignty was still strong, and States remained reluctant to relinquish, a priori, full control over dispute settlement procedures. His delegation, which attached particular importance to the role of the International Court of Justice, had accepted the Court's compulsory jurisdiction in 1966 and had turned to it in a dispute with a neighbouring State. Malta had welcomed the initiative of the Secretary-General to establish a Trust Fund for the Court, and had made contributions to that Fund. He reiterated his Government's support for the proposal to authorize the Secretary-General to request advisory opinions of the Court.

(Mr. Fsadni, Malta)

3. Referring to efforts to establish mechanisms for the peaceful solution of disputes at the regional level, he particularly welcomed the progress made by the Conference on Security and Cooperation in Europe (CSCE), and was confident that, when the agreements on which consensus had been achieved entered into force, they would fill a void in the CSCE region and could serve as a model for other regions in the world.

4. Despite its limited resources, the Maltese Government had sought to contribute to the progressive development of international law and its codification, and had always recognized the role played by the United Nations in that field. In that regard, he recalled the initiatives by Malta relating to the legal regulation of the seabed, climate change and extraterritorial spaces; and recognized the valuable contribution made by the International Law Commission, as well as by a number of specialized agencies, to the progressive development of international law and its codification.

5. With regard to encouragement of the teaching, study, dissemination and wider appreciation of international law, he agreed with the Working Group on the United Nations Decade of International Law on the need to strengthen and expand the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, and its Advisory Committee, and that institutions outside the United Nations system could assist in the implementation and possible expansion of the Programme.

6. Referring to the importance of international law in university law and diplomatic courses in Malta, he said that, conscious of the need to promote better knowledge of the practice of international law, the Ministry of Foreign Affairs had launched the "Malta Review of Foreign Affairs". Regarding the organizational and procedural aspects of the Decade, he agreed that the Sixth Committee, acting primarily through its Working Group, should continue its preparation of the programme of activities for the Decade and should serve as the coordinating body for the Programme.

7. Lastly, he expressed his Government's interest in the proposal to convene a United Nations Congress on international law, and hoped that the Secretariat would be able to draw up a preliminary plan, to be submitted to the Committee for consideration at the forty-eighth session of the General Assembly.

8. Mr. YOUSSEF ABDULLAH (United Arab Emirates) said that he had noted with interest the report of the Secretary-General on the United Nations Decade of International Law (A/47/384), as well as the proposals that had been examined by the Working Group on the Decade, particularly with regard to the maintenance of international peace and security, promotion of the principles of international law and the need for peaceful settlement of disputes, including resort to the International Court of Justice. His delegation supported the proposals designed to establish security, peace and peaceful cooperation among States.

(Mr. Youssef Abdullah,
United Arab Emirates)

9. The report of the Secretary-General entitled "An Agenda for Peace" contained a number of positive proposals that paved the way for a more realistic examination of the questions raised therein. He stressed his Government's support for the efforts made by the Secretary-General to settle disputes by peaceful means, promoting the activity of the United Nations and laying the foundations of the new international order to establish peace and security. In view of the national and regional disputes that existed world wide, there was an urgent need to respect the principles of international law. In that context, the proposal to study and teach international law at all levels and to promote its progressive development took on particular importance.

10. He praised the report of the Secretary-General for its call for an enhancement of the role of the International Court of Justice, and particularly for its urging of States Members of the United Nations to accept the compulsory jurisdiction of the Court.

11. Lastly, he expressed the hope that the new international order, based on non-recourse to force, would become effective. Having regard to the national and regional interests of a small State, he considered that the world community must undertake fully to comply with the principles of international law and of the Charter of the United Nations, and fully to apply the principle of peaceful settlement of regional disputes, from which it was clear that the occupation of foreign territories by force was unacceptable. In that way, current world relations would acquire a new dimension.

12. Mr. ROUCOUNAS (Greece) said the continuing evolution of the role of the United Nations as a structural element of the international community was conducive to further action to achieve the objectives of the Decade. That evolution was reflected in the Secretary-General's report entitled "An Agenda for Peace" and in Agenda 21, adopted by the United Nations Conference on Environment and Development; both those documents contained norms and proposals that could be translated into action in the legal field. The Decade offered an opportunity for a broader mobilization of forces within the international community and a series of assessments on a wide range of legal institutions with a view to promoting peace, development and security.

13. With regard to the problems of the environment, the sustained efforts of specialists were needed more than ever before; lawyers, whose role in the field had for various reasons been rather modest, should be invited to offer their best and most imaginative contribution.

14. As to the question of collective security, he noted that the implementation of Chapter VII of the Charter had presented many shortcomings and had given rise to divergent interpretations. Within the context of the activities of the Decade, an overall evaluation should be made of the concept of collective security among other fundamental principles of international law

(Mr. Roucounas, Greece)

such as the peaceful settlement of disputes and the obligation of non-use of force in international relations. Three different objectives of military action, namely maintenance of international peace and security, re-establishment of peace and repulsion of acts of aggression could be distinguished in Chapter VII and in the Secretary-General's report.

15. The suggestion that attention be given to the question of the protection of cultural property in times of armed conflict was also worth considering. That point touched upon the question of the coexistence of numerous international legal instruments regulating the same or similar subject-matter, which was almost inevitable in international relations. The problem was not so much one of finding axiomatic solutions as one of managing the interpretation and implementation of such instruments in such a way that the most favourable rule of protection was maintained. The need for coordination between international instruments and bodies was now compelling, and the Working Group's proposal constituted a sound beginning and could lead to international initiatives deriving from the Decade.

16. With regard to the prospects for wider teaching and dissemination of international law as an integral part of the Programme for the Decade, and the steps already taken in that respect, he said that the importance of education in the meeting of minds for a better world could not be overemphasized. In many countries, including Greece, international law was a compulsory subject in all undergraduate and postgraduate studies in law and political science and in the educational programmes offered to diplomats and members of the armed forces; that activity was a major contribution to the attainment of the objectives of the Decade.

17. Mr. YAHYA (Malaysia) said that although much still needed to be done in order to meet the main purposes and objectives of the United Nations Decade of International Law, he supported the various initiatives and activities undertaken under the programme, particularly those which took the form of financial and other assistance to developing countries.

18. With regard to the activities carried out so far, his delegation was pleased with the efforts that were being made to promote a wider acceptance of existing multilateral treaties. However, not much progress had been achieved, primarily because of the failure to acknowledge that those treaties did not fully take into consideration the interests of all States, since most of them had been drawn up and concluded when the majority of States were under the yoke of colonialism. With the emergence of a new spirit of international understanding and cooperation, all parties concerned must pay urgent attention to those treaties with a view to making appropriate adjustments in order to reflect in a more balanced way the interests of all parties.

19. Malaysia supported the efforts for the progressive development of international law and its codification and, in that respect, appreciated the efforts of the International Law Commission. On the question of the

(Mr. Yahya, Malaysia)

establishment of an international criminal court, it shared the view that at its next session the Commission should, as a matter of priority, proceed with the elaboration of a draft Statute for such a court. His delegation wished to underscore a couple of the concerns of most if not all the developing countries. The first related to their lack of expertise in various fields of international law, which made it difficult for them to participate meaningfully in international codification efforts and in the multilateral treaty-making process; greater assistance was needed from the developed countries in that respect. The second related to the speed with which some parties wished to proceed with that work. In that respect, Malaysia called on the countries of the South to make the effort to present a collective response to the issues at stake and to do so in a timely manner. Furthermore, it appealed to them to be more accommodating so as to provide sufficient time for all concerned to participate meaningfully in efforts such as codification and preparation of legal instruments, since the need to ensure universal acceptance of the results was as important as the need to complete the task without undue delay.

20. His delegation joined others in complimenting the Secretariat for the completion and publication in the current year of the summaries of the judgments, advisory opinions and orders of the International Court of Justice. In view of the usefulness of that publication and the plans to update it in subsequent years, his delegation suggested that more copies should be made available to Member States.

21. As to the proposal to hold a United Nations congress on public international law in 1994 or 1995, to coincide with the mid-term review of the programme of the Decade, as well as the fiftieth anniversary of the Organization, his delegation was pleased that there was a consensus to request the Secretariat to prepare a preliminary plan for such a congress and agreed that the congress should be properly and carefully planned.

22. Lastly, with regard to the need for a standing body to monitor and coordinate the activities of the Decade, he agreed that that task should be entrusted to the Chairman and Bureau of the Committee.

23. Mr. STRAUSS (Canada), speaking on behalf of Australia, New Zealand and Canada, said that the Governments of those countries were fully committed to the realization of the four objectives of the Decade and had implemented comprehensive national and regional programmes. The proposed programme of work for the second half of the Decade, contained in the annex to the Working Group's report (A/C.6/47/L.12), provided the necessary framework for the continuation of a wide range of national, regional and international activities.

24. The promotion of the means and methods for the peaceful settlement of disputes between States, which was the subject of part II of the Programme, was an appropriate focus for the Decade. Increased recourse to the International Court of Justice and the strengthening of its role was one

(Mr. Strauss, Canada)

concrete way of enhancing compliance with the rule of law in international relations. The report of the Secretary-General entitled "An Agenda for Peace" provided a useful checklist for future action.

25. Australia, New Zealand and Canada supported the Secretary-General's call for universal acceptance of the compulsory jurisdiction of the International Court of Justice under article 36 of the Statute of the Court, and joined the Secretary-General in encouraging States which had not yet done so to make a declaration to that effect in the course of the Decade.

26. Pursuant to Article 96 of the Charter of the United Nations, the General Assembly and the Security Council could request the International Court of Justice to give an advisory opinion. The General Assembly could also authorize other organs of the United Nations and specialized agencies to request advisory opinions of the Court on legal questions arising within the scope of their activities. Australia, New Zealand and Canada supported consideration of the call made in the report entitled "An Agenda for Peace" for the Secretary-General to be authorized to take advantage of the Court's advisory competence, and welcomed the comments made by the President of the Court, Sir Robert Jennings (in his introduction to the ICJ report) with regard to the review of the Court's practices. The Court should pursue the review of its work practices in order to encourage use of the Court as a forum for the settlement of a broader range of cases.

27. A priority for the United Nations Decade of International Law should be the improved implementation of current international legal norms and more frequent recourse to existing international organs and mechanisms (as provided for in Part I of the programme); that should be so particularly with regard to compliance with existing human rights obligations. Australia, New Zealand and Canada welcomed the recent special session of the Commission on Human Rights, convened to consider the situation in the former Yugoslavia, and the appointment of a Special Rapporteur to investigate allegations of human rights abuses.

28. Australia, New Zealand and Canada welcomed the development of international legal rules relating to environmental protection, international humanitarian law and human rights. They also welcomed the achievements of the United Nations Conference on Environment and Development, particularly the opening for signature of the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change. The three countries had signed the Conventions and intended to ratify them at an early date.

29. The convening in 1993 of a conference on fisheries would provide an appropriate framework for the development of an effective regime to deal with problems related to the conservation and management of fisheries resources. He also looked forward to further progress by the Commission on measures relating to the law of the non-navigational uses of international watercourses and international liability for injurious consequences arising out of acts not

(Mr. Strauss, Canada)

prohibited by international law. The Governments of Australia, New Zealand and Canada were also participating in the debate on the item of protection of the environment in times of armed conflict and hoped that it would constitute a vibrant element of the work of the Decade.

30. A proposal had been made to start preparatory work for a congress on public international law during the following term of the Decade. Australia, New Zealand and Canada looked forward to receiving the preliminary operational plan for a possible United Nations congress on public international law.

31. With regard to Part IV of the programme (encouragement of the teaching, study, dissemination and wider appreciation of international law), the Australian Government had organized a scholarship scheme to assist in the training in international law of government lawyers from island countries in the Pacific. It had also provided support for a conference held in Fiji in late 1991 under the auspices of the United Nations Commission on International Trade Law (UNCITRAL), at which the trade law Conventions of UNCITRAL had been promoted. At the International Law Seminar held in 1992 at Canberra, which was organized by the Government in conjunction with the Australian National University, the revival of the Australia-New Zealand Society of International Law had been announced.

32. In New Zealand, an introductory international law course was currently being offered to all diplomatic trainees entering the Ministry of Foreign Affairs and Trade. The Ministry, together with the New Zealand Law Commission, had shortly before organized a joint seminar to discuss the work of UNCITRAL and other international legal developments related to trade.

33. Over the previous two years, Canadian universities had organized a series of meetings aimed at advancing the objectives of the Decade. During the XXI Annual Conference of the Canadian Council of International Law, which had recently been held in Ottawa, a round-table discussion on the Decade had taken place. Efforts were under way to integrate the teaching of the principles of international law into university courses dealing with related subjects. There had also been efforts to advance the teaching of basic international legal principles at the secondary level. A Canadian private organization, "World Network for International Law", had been founded with the objective of promoting the Decade.

34. The informal consultations which had taken place in recent years between those responsible for international legal services in Ministries of Foreign Affairs of Member States of the United Nations provided a valuable opportunity to share information and experiences.

35. Mrs. VALDES (Cuba) said that since 1989 when, at the initiative of the Non-Aligned Countries, it had been decided to declare the 1990s the United Nations Decade of International Law, Cuba had actively supported the Decade. In the current circumstances of international relations, effective measures

(Mrs. Valdes, Cuba)

were required to ensure that those relations were conducted on the basis of effective rules of international law.

36. In the earliest comments sent to the Secretary-General in connection with the current item, Cuba had expressed the view that the question of the peaceful settlement of international disputes should be given priority during the Decade. The Organization had achieved successes in that field, including the Manila Declaration on the Peaceful Settlement of International Disputes and the subsequent Declaration on the Enhancement of the Effectiveness of the Principle of Refraining from the Threat or Use of Force in International Relations. It would, however, be useful for a binding legal instrument to be elaborated during the Decade and work should continue in that direction within the framework of the Special Committee on the Charter.

37. Her delegation was of the view that certain issues related to disarmament should be included for study during the Decade. In the field of codification, special emphasis should be placed on obtaining a comprehensive nuclear-test-ban treaty. As a result of the initiative of a group of non-nuclear-weapon States, progress was also being made towards the objective of amending the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water, in order to convert that international instrument of partial prohibition into one which covered all types of tests. The promotion of either of those options should be one of the tasks envisaged during the Decade. Other disarmament-related issues which could be promoted during the Decade concerned the codification of instruments to prevent the arms race in outer space.

38. Her delegation attached great importance to the protection of the environment, a topic on which an international meeting had recently been held at Havana. In the context of the activities for the Decade, it was important to envisage activities which contributed to the development, implementation and strengthening of the agreements reached at the United Nations Conference on Environment and Development.

39. Since the United Nations had also designated the 1990s as the International Decade for the Eradication of Colonialism, the Decade of International Law should provide a suitable context for the elimination of the remaining vestiges of colonialism in the world.

40. The Cuban delegation welcomed the proposal made by the Islamic Republic of Iran, and supported by a large number of delegations for a congress on public international law, to be held in 1994 or 1995; Cuba supported both the convening of such a congress and the proposed dates.

41. Lastly, while the achievement of consensus was desirable, it must not, under any circumstances, be regarded as a rigid rule for the adoption of decisions by the General Assembly.

42. Mr. OSHODI (Nigeria) said that the United Nations Decade of International Law was a significant event for the international community, particularly if the four main objectives of the Decade were carefully pursued. Nigeria was of the view that all Member States should evince a willingness to abide by the fundamental norms of international law and the principles of the United Nations Charter, and agreed that assistance and technical advice should be provided to developing countries to facilitate their participation in the process of multilateral treaty-making.

43. Nigeria fully endorsed the programme for the promotion of means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. Consultations between the International Court of Justice and national or domestic courts should be encouraged.

44. The United Nations Decade of International Law, proclaimed in 1989 on the initiative of members of the Movement of Non-Aligned Countries, was expected to promote the popularization of international law. The teaching, study, dissemination and wider appreciation of international law should be encouraged, particularly in the area of humanitarian law. Nigeria welcomed the informal consultations among members of the Sixth Committee in which non-governmental organizations and experts in various fields of international law were able to participate. Informal consultations between the members of the Sixth Committee and the President and judges of the International Court of Justice should also be encouraged. Nigeria expressed appreciation for the publication of the summaries of the judgements and advisory opinions of the Court.

45. The suggestion that national committees should be established to implement the programme for the Decade was very wise. Nigeria intended to organize such a national committee shortly and to request it to organize a conference on cooperation between regional organizations and the United Nations at the subregional level, focusing on the issue of the peaceful settlement of disputes.

46. Lastly, the Nigerian delegation supported the proposal for a United Nations congress on public international law, to be held during the next term of the Decade, and believed that it should be organized with existing resources, on the basis of voluntary contributions. The congress would help to popularize the need for freedom in the international community and respect for human rights. The Nigerian delegation looked forward to participating in the informal Working Group entrusted with preparing a preliminary report on the possibility of holding such a congress.

47. Mr. CHOI (Democratic People's Republic of Korea) said that in the post-cold-war era, in which people aspired to establish a new international order, the codification, consolidation and progressive development of international law would play an important role in the promotion and enhancement of means for the peaceful settlement of all disputes and the

(Mr. Choi, Democratic People's Republic of Korea)

maintenance of international peace and security. The United Nations Decade of International Law would help to supplement and enhance the existing norms of international law in accordance with the requirements of the new situation, and to ensure that the principles of objectivity and impartiality were fully embodied in the implementation of international law.

48. The promotion and enhancement of methods for the peaceful settlement of disputes between States, respect for the principles of objectivity and impartiality in the implementation of international law and public education to promote better understanding of and respect for international legal principles would constitute important focal points during the next term of the Decade.

49. In the contemporary era, international relations should be based on the norms of international law recognized by all countries. Accordingly, it was of great importance to ensure that States settled their disputes by peaceful means and strictly abided by their obligations under international law. Any attempts to settle disputes through the use of force or acts contrary to international law would have a negative impact on international relations in general and would ultimately lead to conflicts at the international level.

50. The establishment of a new international order should be based on the democratization of international relations and support for the sovereignty and equality of all countries. The democratization of international relations should, in turn, derive from the principle of equality and impartiality in the implementation and application of international law. Accordingly, the arbitrary acts of some powerful States, which were contrary to international law, should not be tolerated, nor should there be any privileges or differences between large and small countries, or between developed and developing countries, with regard to the observance of international law. The views of all countries should be respected and should be duly reflected in the process of codification, consolidation and progressive development of international treaties and conventions. His delegation fully endorsed the proposal that the teaching, study, dissemination and wider appreciation of international law should be encouraged as part of the activities for the Decade, with a view to the further promotion of the objectives of the Decade. In particular, vigorous programmes should be undertaken at the national level to publish and disseminate materials on international law, as well as the programme of activities for the Decade. It would also be very useful for the United Nations and the relevant international organizations to hold workshops and seminars for lawyers, especially from developing countries, for the purpose of exchanging information.

51. The Democratic People's Republic of Korea looked forward to cooperating with other Member States in furthering the objectives of the Decade, and pledged to fulfil its international obligations faithfully by strictly

(Mr. Choi, Democratic People's Republic of Korea)

observing the norms of international law, and thus contributing to the maintenance of international peace and security.

52. Mr. ARIF (Singapore) said that the United Nations Decade of International Law should be approached from the premise that the problem was not a dearth of international law but a lack of implementation. Focusing too much on the codification and progressive development of international law could mean that efforts and resources would be wastefully spent on plugging lacunae instead of being concentrated on disseminating existing rules and principles and encouraging their implementation. Often, ignorance of such rules and principles constituted the main obstacle to their implementation.

53. There was an imbalance between the supply of international legal expertise and the supply of destructive weapons, which might partly explain the propensity among countries in the South to resort to military solutions to their disputes instead of seeking legal redress. The Decade provided a rare opportunity to correct that imbalance. It was crucial for countries that had not developed a strong foundation in international law to develop expertise in that field and in negotiations. Some of the activities under the Decade should therefore be geared towards improving the flow of knowledge and skills between countries with a strong foundation in international law and those without. That transfer of what might be called "legal technology" could be achieved through bilateral or multilateral arrangements, such as attachment programmes in legal departments or offices at ministries of foreign affairs for middle- or senior-level government officials to study the impact of international law on foreign policy and its use in negotiations. Suitable financial assistance could be provided through scholarships or other similar arrangements. All that called for a certain measure of good faith on the part of countries with a well-developed basis in international law. While it would meet the aspirations of the Decade if such countries popularized international law among their citizens, it would perhaps be more in keeping with the spirit of the Decade if efforts and resources were to be spent on increasing awareness of international law in countries without the benefit of similar tradition.

54. For the activities under the Decade to achieve their objectives, they should not be confined to academics and specialists in international law. International law should be "marketed" to policy makers, particularly leaders in the socio-economic and political sectors who influenced the shaping of national policies. As part of the marketing strategy, emphasis could perhaps be placed on the profitability and cost-effectiveness of using legal means to resolve bilateral conflicts. That should be accompanied by efforts to penalize countries that paid scant regard to universally accepted international codes of conduct.

(Mr. Arif, Singapore)

55. The idea of holding a congress on public international law was worthy of serious consideration. His delegation was therefore pleased that the Secretariat had been requested to draw up a preliminary plan for the congress for the second term of the Decade. It hoped that in preparing the plan, the Secretariat would bear in mind that participation in the congress should be as broad-based as possible, with consideration given to the different legal systems and the differing levels of development and awareness of international law in different parts of the world. The Secretariat should also bear in mind that one of the primary objectives of the congress was not to develop and codify international law but to promote awareness of international law among those who were responsible for or who influenced national opinion and policies.

56. Mr. MADEJ (Poland), referring to the report of the Working Group on the United Nations Decade of International Law (A/C.6/47/L.12), which indicated that States should be urged to act in accordance with international law, said that acting in accordance with international law also meant legislating in accordance with it. States should therefore harmonize their legislation with their international obligations. They should also clarify the question of the relationship between treaties and acts of the national legislature. In Poland's view, the principle of the primacy of international law over internal law should be respected. The binding force of treaties should be preserved in so far as possible; otherwise, it might be difficult, if not impossible, to implement and respect many international instruments satisfactorily. That was especially true of areas of international law traditionally regulated by national legislative measures.

57. With respect to promoting acceptance of and respect for the principles of international law, Poland had passed several new laws guaranteeing respect for international obligations and ensuring the conformity of Polish law with international law. One example was the new law of 1991 on Poland's territorial sea and exclusive economic zone, which stated that its provisions should not apply if an international agreement to which the Republic of Poland was a party provided otherwise. Bilateral treaties between Poland and its neighbours were based on generally recognized rules and principles of international law. The treaty between Poland and the Russian Federation, for example, contained provisions on the peaceful settlement of disputes and on combating terrorism, traffic in drugs, delinquency, art smuggling and illegal immigration. Furthermore, Poland's new Constitution would include a general provision guaranteeing respect for international law and the full conformity of Polish legislation with the country's international obligations.

58. If, as suggested, States that had not yet become parties to the existing multilateral treaties did so, it would broaden the process of the universalization of international law. Because of the profound political and legal changes that had modified international relations, it was possible to take another look at the treaties that still had not come into force. Poland believed that certain steps, such as informal consultations or quasi-formal amendments, could lead to an acceptable compromise in that respect.

(Mr. Madej, Poland)

59. High priority should be given to the question of promoting means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice. As mentioned in document A/47/384/Add.1, three years previously Poland had been the first State in Central and Eastern Europe to have recognized the compulsory jurisdiction of the International Court of Justice. It was expected that all the reservations formulated by Poland regarding the inclusion of judicial and arbitral clauses in multilateral treaties would be reviewed. His delegation welcomed the proposal to authorize the Secretary-General to request an advisory opinion from the Court, and thought that the proposal should also be considered in the Special Committee on the Charter and on the Strengthening of the Role of the Organization. Taking into account the different views presented, a compromise seemed possible. The first step in that direction should be case-by-case authorization.

60. With regard to encouraging the progressive development of international law and its codification, Poland thought it would be very useful if as many States as possible submitted their suggestions for identifying the areas in which international law should be codified and developed in the near future.

61. As to encouraging the teaching, study, dissemination and wider appreciation of international law, Poland would carefully consider further measures for continuing to contribute to that process. International law was a mandatory subject in the law faculties and other faculties of Polish universities. On the initiative of the Ministry of Foreign Affairs, steps had been taken to establish an international school of diplomacy, which would provide special training in international law for employees of the Ministry of Foreign Affairs and other relevant ministries. In addition, several Polish universities had organized international seminars and courses on human rights, humanitarian law and European integration.

62. Ms. JUNOD (International Committee of the Red Cross), speaking as an observer with the authorization of the Sixth Committee, said that strengthening international law was an essential objective in a world shaken by conflicts, where violations of the most fundamental humanitarian rules occurred each day. While the application of and respect for international law should above all prevent recourse to force as a means of solving disputes, they should also mitigate suffering in wars that could not be avoided. That was why she wished to emphasize yet again that humanitarian law was an integral part of public international law. Humanitarian law might even be said to be a core element of public international law, in that States were required to apply it in times of armed conflict. Frequent and serious violations of humanitarian law were one aspect of the overall problem of the attitude of States towards international law. Respect for humanitarian law necessitated recognition of the primacy of law in international relations.

(Ms. Junod)

63. The vicissitudes which humanitarian law was currently experiencing resulted not from inadequacy in its rules or its implementation mechanisms but from the fact that it was not recognized, that there was no readiness to respect it and ensure respect for it. Since international humanitarian law governed not only protection of the wounded and of prisoners and civilians but also certain aspects of the conduct of soldiers in combat, there was a tendency to avoid the problem and to refuse to face up in peacetime to the sombre consequences of a potential war.

64. For that reason, in order to prevent the terrible sufferings of all those who were victims of breaches of humanitarian law, emphasis had to be placed on prevention, which entailed promoting awareness, providing in-depth instruction, and adopting the necessary measures at the national level - in short, ensuring respect for the law. The dissemination of international humanitarian law was undeniably a factor in promoting peace. In consequence, there were three priority objectives for the Decade's programmes in relation to international humanitarian law.

65. The first objective was to ensure that States really regarded it as a fundamental duty both to provide instruction on humanitarian law and to disseminate it. That would involve, in fact, nothing more than complying with the provisions of the 1949 Geneva Conventions and Additional Protocol I relating to international armed conflicts. In order to prevent or at least limit suffering, efforts to promote knowledge of humanitarian law, and to teach it, had to be expanded above all in time of peace, and the subject had to be a part of the training of all: the officials concerned, young people, especially at secondary school and university, and above all soldiers, for whom conduct in conformity with humanitarian law had to be as natural as carrying a weapon. There was also a need to promote awareness on the part of the population at large.

66. The second objective was to translate those obligations into practice on an effective and permanent basis. In order to achieve that, each State could over the following two years conduct an evaluation of the body of national implementation measures in force in its territory, revise or amplify them as necessary and strengthen their application. Pursuant to a resolution adopted in 1986 by the twenty-fifth International Conference of the Red Cross and Red Crescent, the International Committee of the Red Cross (ICRC) had more than once reminded States of those duties, while calling on them to submit reports in conformity with that resolution, but the response had not been very encouraging. The programme for the second half of the Decade could provide an opportunity to reawaken States to those responsibilities.

67. The majority of the mechanisms provided for by humanitarian law in order to prevent violations of it, and to prosecute perpetrators and make reparations for such violations, were a dead letter. That was the case, for example, with regard to war crimes. But it could not be hoped that the judicial mechanisms specific to humanitarian law could operate when the

(Ms. Junod)

jurisdiction of the world court responsible for settling general international disputes, in existence for over half a century, was accepted by only a handful of States. Making those mechanisms applicable, then, would be the third objective.

68. While the emphasis was on knowledge of and respect for law already in existence, that did not mean that international humanitarian law should remain immutable and that no progressive development was desirable. Indeed, work had to continue in such areas as the law applicable to internal conflict situations, the restriction or prohibition of the use of certain weapons or the rules applicable to war at sea.

69. ICRC wished to make a double appeal: that all States should take measures at the national level; and that the community of States parties to the Geneva Conventions should take effective collective action to ensure respect for humanitarian law in time of peace and in times of armed conflict.

70. Mr. JONKMAN (Secretary-General of the Permanent Court of Arbitration), speaking as an observer with the authorization of the Committee, said that he wished to cover three specific topics: (a) the links between the Court and the United Nations, (b) current and planned activities of the International Bureau of the Court and (c) the application by the Court for permanent observer status to the United Nations.

71. The Court was the oldest intergovernmental institution dedicated to the task of resolving disputes between States. Since 1935, its facilities had been available for resolving disputes between States and private parties. Currently, 78 States were parties to the Convention of The Hague of 1899 or to the Convention of 1907 which had revised it. With one exception, all the States members of the Court were also Members of the United Nations.

72. United by history and by the United Nations Charter itself (Articles 4 to 7 of the Statute of the International Court of Justice), as well as by the shared objective of resolving international disputes by peaceful means, the United Nations and the Permanent Court had seen the strengthening of the links between them with the proclamation of the United Nations Decade of International Law. Another significant fact was that the United Nations was considering holding a third international peace conference at the end of the Decade, at the very moment when the Court would be celebrating its first centenary. The Court expected the activities under the Decade to lead to strengthened and intensified cooperation between itself and the United Nations, which would further the achievement of their shared objectives.

73. With regard to the second topic, the services offered by the International Bureau of the Court were in ever greater demand, which paralleled a growing awareness of them. Many requests for the Bureau's services came from private firms or other juridical persons which had no

connection with States parties to The Hague Conventions. The Bureau nevertheless responded to such requests and made its facilities and services available to the extent possible. The Court had cooperation agreements with such institutions as the International Centre for the Settlement of Investment Disputes and the Multilateral Investment Guarantee Agency. The cooperation agreement with the International Council for Commercial Arbitration, for example, enabled the Court to receive information on arbitration institutions, procedures and activities in various parts of the world.

74. Recent initiatives by the International Bureau, directed towards increasing awareness among States of the services offered by it, and improving the functioning of the Court's system of dispute settlement, were summarized in the booklet entitled "New Directions", which had been distributed in the Sixth Committee. In 1992, a panel of experts on international arbitration had been studying a set of draft optional rules which would be applicable to disputes between States subject to arbitration. The panel had decided to take as a starting-point the arbitration rules adopted by The United Nations Commission on International Trade Law. Once the optional rules were finalized, the text would be circulated to the States parties to The Hague Conventions of 1899 and 1907 and to all States Members of the United Nations. When that task had been completed, the International Bureau would be turning to the preparation of a set of draft optional arbitration rules to apply to disputes in which only one party was a State.

75. Since 1937, the Court's services had been available for settling disputes through conciliation. Conciliation procedures had been studied by the Sixth Committee, on the basis of the draft conciliation rules placed before it by Guatemala, which included in article 23, paragraph 3, several articles from The Hague Convention of 1907. Since the drafting of a set of conciliation rules was a part of the future programme of work of the International Bureau, the Bureau would follow the Committee's work with interest, with a view to adapting the results to its own conciliation procedures.

76. With regard to the third topic, the Administrative Council of the Court had authorized him to request that the Court should be granted permanent observer status at the forty-eighth regular session of the General Assembly. Such a step would strengthen the cooperation between the United Nations and the Court, which would be highly appropriate in the context of the Decade for promoting "means and methods for the peaceful settlement of disputes" as offered by The Hague Conventions. In addition, it would enable the Court to play a more active role in implementing Article 33 of the Charter, a task for which it was well equipped, and to supplement more effectively the functions of the International Court of Justice as the principal judicial organ of the United Nations.

The meeting rose at 12.10 p.m.